

WEDNESDAY, JANUARY 15, 1997

SECOND ORGANIZATIONAL DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative West.

Representative West led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present and not voting were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

PRESENT IN CHAMBER

Representative(s) Robinson was/were recorded as being present in the Chamber.

MESSAGE FROM THE SENATE

January 15, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 2; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

January 15, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 14; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 14 -- Memorials, Congratulations - Boy Scout Troop 142, 50th anniversary. by *Burks.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 16, 1997:

***House Joint Resolution No. 5** -- Memorials, Public Service - Billy Stokes. by *Kisber, *McDaniel.

House Joint Resolution No. 6 -- Memorials, Recognition and Thanks - Town of Woodbury, ranked 39th out of 100 Best Small Art Towns in America. by *Buck.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for January 16, 1996:

Senate Joint Resolution No. 14 -- Memorials, Congratulations - Boy Scout Troop 142, 50th anniversary. by *Burks.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 6 -- Capitol - Requires state capitol commission to develop and implement policy on additions and improvements to Bicentennial Mall. Amends TCA Title 4, Chapter 8. by *Kisber.

***House Bill No. 7** -- Taxes, Sales - Exempts from sales and use tax strips, meters and other similar devices and aids prescribed or recommended by licensed practitioner of healing arts for diabetics to monitor blood sugar levels.. Amends TCA Section 67-6-312. by *Halteman Harwell.

House Bill No. 8 -- Taxes, Real Property - Applies present use valuation under homebelt law to counties having metropolitan government for owners who have occupied residential property for 25 or more years which is zoned for commercial use. Amends TCA Section 67-5-601. by *Halteman Harwell.

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House Bill No. 9 -- Election Laws - Grants officer of elections discretion to move physically disabled voter to front of line at polling place Amends TCA Section 2-7-116. by *Halteman Harwell.

***House Bill No. 10** -- Correctional Programs - Prohibits state from purchasing exercise equipment for use in state prisons. Amends TCA Title 41, Chapter 21, Part 2. by *Goins.

***House Bill No. 11** -- Correctional Programs - Prohibits penitentiaries from providing weightlifting or strength conditioning programs for inmates. Amends TCA Title 41, Chapter 21, Part 2. by *Goins.

***House Bill No. 12** -- Correction, Dept. of - Requires department to devise and implement program by October 1, 1997, whereby able and appropriate inmates perform labor in chain-gang type work groups Amends TCA Title 41. by *Goins.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were held on the Clerk's desk pending appointment of the standing committees:

***House Bill No. 1** -- Public Records -- Caption Bill Held on House Desk

***House Bill No. 2** -- Sexual Offenses -- Caption Bill Held on House Desk

House Bill No. 3 -- Sunset Laws -- Caption Bill Held on House Desk

House Bill No. 4 -- Pensions and Retirement Benefits -- Caption Bill Held on House Desk

House Bill No. 5 -- Statutes -- Caption Bill Held on House Desk

CONSENT CALENDAR

House Resolution No. 1 -- Memorials, Sports - Matt McWilliams. by *Williams.

House Resolution No. 2 -- Memorials - Welcoming Up with People to Memphis, 1997. by *Kent.

House Joint Resolution No. 3 -- Memorials, Retirement - Don Loftis, Superintendent of Hamilton County Department of Education. by *Stulce.

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Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. McDaniel moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 13 out of order, which motion prevailed.

Senate Joint Resolution No. 13 -- General Assembly, Joint Conventions - Calls joint convention for Monday, February 10, 1997, at 6:00 p.m. to hear combined budget and state of the state address by the Honorable Governor Sundquist. by *Atchley.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. McDaniel, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 4 out of order, which motion prevailed.

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House Joint Resolution No. 4 -- General Assembly, Adjournment, Recess Adjourns organizational session and convenes regular session on January 16, 1997, and recesses regular session until February 3, 1997, by *Hargrove, *McDaniel.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

ANNOUNCEMENTS

REPORT FILED

The Clerk announced that the Report of the Select Committee to review audits of the Treasurer and Comptroller has been submitted and is on file with the Clerk's office.

ENGROSSED BILLS

January 15, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 3 and 4.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

January 15, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 2; also, House Resolution(s) No(s). 1 and 2.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

January 15, 1997

The Speaker signed the following: House Joint Resolution(s) No(s). 2; also, House Resolution(s) No(s). 1 and 2.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

January 15, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 2; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
January 15, 1997

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 2.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

RECESS MOTION

Pursuant to House Joint Resolution No. 2, Rep. Hargrove moved that the House stand in recess to meet with the Senate in Joint Convention for the purpose of electing the Constitutional Officers; and at the conclusion of the Joint Convention, the House adjourn until 9:00 a.m., Thursday, January 16, 1997, which motion prevailed.

IN JOINT CONVENTION

ELECTION OF CONSTITUTIONAL OFFICERS

The hour having arrived, set by House Joint Resolution No. 2, the House and Senate met in Joint Convention for the purpose of election of the Constitutional Officers.

President Wilder called the Joint Convention to order at 9:30 a.m.

On motion of Senator Crutchfield, the roll call of the Senate was dispensed with.

On motion of Representative Hargrove, the roll call of the House was dispensed with.

Thereupon, the Clerk of the Senate read House Joint Resolution No. 2 authorizing the Joint Convention.

Mr. President Wilder declared the first order of business is the election of the Comptroller of the Treasury and that nominations were in order.

ELECTION OF SECRETARY OF STATE

Senator Cooper placed in nomination the name of the Honorable Riley Darnell of Montgomery County.

Representative Head seconded the nomination of Mr. Darnell.

Senator Crutchfield moved that nominations cease and that the Clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following results:

For Mr. Darnell 33

The Clerk of the House called the roll of the House with the following results:

For Mr. Darnell 99

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Representatives voting for Mr. Darnell were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

Total for Mr. Darnell132

Mr. President Wilder declared the Honorable Riley Darnell duly, legally and constitutionally elected Secretary of State for the ensuing four years.

Mr. President Wilder appointed the following committee to escort Mr. Darnell to the Well of the House: Senators Crutchfield, Haynes and Kurita; and Representatives Davidson, McMillan and Windle.

Mr. Darnell expressed his appreciation.

OATH OF OFFICE

The Oath of Office was administered to Mr. Darnell by the Honorable A.A. Birch, Chief Justice of the Supreme Court.

REPORT FROM SELECT COMMITTEES

REPORT OF SELECT COMMITTEE TO REVIEW THE AUDITS AND OPERATIONS OF THE COMPTROLLER OF THE TREASURY AND THE DEPARTMENT OF THE TREASURY

On January 14, 1997, the select committee appointed by the Speaker of the Senate and the Speaker of the House of Representatives, pursuant to Tennessee Code Annotated, Sections 8-4-102 and 8-5-102, to review the audits and operations of the Comptroller of the Treasury and the Department of the Treasury met in Room 30 of the Legislative Plaza. The select committee is composed of Representative Rhinehart and Senator Cooper, who served as co-chairmen, Representative Hargrove, Representative McDaniel, Senator Elsea and Senator Davis. A quorum was present. Mr. William R. Snodgrass, Comptroller of the Treasury, presented the following information to the committee:

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1. An audit report of the Comptroller of the Treasurer for the fiscal year ended June 30, 1996;
2. An audit report of the Department of the Treasury for the fiscal year ended June 30, 1996; and
3. A report entitled "State of Tennessee, Comptroller of the Treasury, Department of Audit, Quality Control Review for the year ended June 30, 1996" conducted under the direction of the National State Auditors Association.

Senator Cooper moved that the committee accept the audits of the Comptroller of the Treasury and the Department of the Treasury as being properly conducted and in compliance with all laws and to report such action to the Senate and House of Representatives. Senator Davis seconded the motion which carried unanimously.

There being no further business, the committee adjourned, sine die.

/s/ Rep. Shelby Rhinehart
Chairman
/s/ Rep. Jere Hargrove
/s/ Rep. Steve McDaniel

/s/ Senator Jerry Cooper
Chairman
/s/ Senator Gene Elsea
/s/ Senator Lincoln Davis

Rep. Rhinehart moved that the Report of the Select Committee be adopted which motion prevailed.

ELECTION OF COMPTROLLER OF THE TREASURY

Mr. President Wilder declared the next order of business was the election of the Comptroller of the Treasury and that nominations were in order.

Rep. Curtiss placed in nomination the name of the Honorable William Snodgrass of Davidson County, formerly of White County,

Senator Harper seconded the nomination of Mr. Snodgrass.

Representative White moved that nominations cease and that the Clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following results:

For Mr. Snodgrass 33

The Clerk of the House called the roll of the House with the following results:

For Mr. Snodgrass 99

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Representatives voting for Mr. Snodgrass were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

Mr. President Wilder declared the Honorable William Snodgrass duly, legally and constitutionally elected Comptroller of the Treasury for the ensuing two years.

Mr. President Wilder appointed the following committee to escort Mr. Snodgrass to the well of the House: Senators Burks, Henry and Gilbert; and Representatives John DeBerry, Bowers and Eckles.

Mr. Snodgrass expressed his appreciation.

OATH OF OFFICE

The Oath of Office was administered to Mr. Snodgrass by the Honorable A.A. Birch, Chief Justice of the Supreme Court.

ELECTION OF STATE TREASURER

Mr. President Wilder declared the next order of business was the election of the State Treasurer and that nominations were in order.

Representative Hargrove placed in nomination the name of the Honorable Steve D. Adams of Williamson County.

Senator Crutchfield seconded the nomination of Mr. Adams.

Representative Lois DeBerry moved that nominations cease and that the Clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following results:

For Mr. Adams 33

The Clerk of the House called the roll of the House with the following results:

For Mr. Adams 99

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Representatives voting for Mr. Adams were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

Thereupon, Mr. President Wilder declared the Honorable Steve Adams duly legally and constitutionally elected State Treasurer for the ensuing two years.

Mr. Wilder appointed the following committee to escort Mr. Adams to the well of the House: Senators Graves, Kurita and Davis; and Representatives Cooper, Sands and Caldwell.

Mr. Adams expressed his appreciation.

OATH OF OFFICE

The Oath of Office was administered to Mr. Adams by the Honorable A.A. Birch, Chief Justice of the Supreme Court.

Mr. President Wilder relinquished the Chair to Mr. Speaker Naifeh.

Thereupon, the purpose for which the Joint Convention was called having been accomplished, Mr. President Naifeh declared the Joint Convention dissolved.